

## REMARKS

### Claim Rejections under 35 U.S.C. § 112, second paragraph

#### Claims 8, 9, 12, 17, 24, and 25

The Examiner has rejected claims 8, 9, 12, 17, 24, and 25 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant respectfully disagrees with the Examiner. Applicant has amended claims 8, 9, 12, 17, 24, and 25 to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Support is provided by the specification. In particular, a limitation of an "occasionally-connected device" is disclosed in various embodiments in paragraphs [0002], [0008], [0009], [0013], [0015], [0017], [0023], [0027]; the original claims 1, 8, 9, 12, 17, 24, and 25; and the abstract.

Furthermore, a limitation of "a portable device that is not permanently connected to the Internet" is disclosed in paragraph [0013]. A limitation of "as if the user is constantly connected to the Internet" is also disclosed in paragraph [0015]. A limitation of a multimedia content (MC) cache not needing to be "constantly connected" to a network to download the MC is also disclosed in paragraph [0023].

In particular, a limitation of a "portable device" is also disclosed in various embodiments in paragraphs [0013] and [0022], as well as, in the original claims 4, 9, 20, and 25.

In view of the foregoing, Applicant respectfully requests the Examiner to withdraw the rejections under 35 U.S.C. § 112, second paragraph, to claims 8, 9, 12, 17, 24, and 25.

**Claim Rejections under 35 U.S.C. § 102 (e)**

**Claims 1-27**

The Examiner has rejected claims 1-27 under 35 U.S.C. § 102 (e) as being anticipated by Mastronardi (U.S. Patent 6,346,951 B1).

Applicant respectfully disagrees with the Examiner. Applicant has amended claims 1, 4, 8, 9, 12, 15-17, 20, 24, and 25 to further distinguish Applicant's present invention from the Mastronardi reference cited by the Examiner. Support is provided by the specification including in paragraphs [0002], [0008], [0009], [0013], [0015], [0017], [0022], [0023], and [0027].

**Claims 1-7**

Claim 1, as amended, of Applicant's claimed invention claims: a method comprising: creating a play list based on a user's preferences; occasionally connecting a portable device of the user to a network; submitting the play list to a multimedia content provider through the network; gathering multimedia content specified in the play list; downloading the multimedia content to a multimedia content cache in the portable device; disconnecting the portable device from the network; and playing the multimedia content on the portable device.

In contrast, Mastronardi does not teach a portable device that is occasionally connected to a network to download multimedia content. Thus, Mastronardi fails to teach each and every element of Applicant's claimed invention, as claimed in claim 1, as amended.

Claims 2-7 are dependent on claim 1, as amended, of Applicant's claimed invention. Thus, Mastronardi also fails to teach each and every element of Applicant's claimed invention, as claimed in claims 2-7.

In view of the foregoing, Applicant respectfully requests the Examiner to withdraw the rejections under 35 U.S.C. § 102 (e) to claims 1-7.

#### Claims 8-11

Claim 8, as amended, of Applicant's claimed invention claims a method comprising: connecting occasionally to a portable device through the Internet; accepting a play list of multimedia files from a user of the portable device; searching a database for multimedia content according to the play list; processing the multimedia content before the multimedia content is downloaded; and transferring the multimedia content to the portable device.

In contrast, Mastronardi does not teach connecting occasionally to a portable device through the Internet and transferring multimedia content to the portable device. Thus, Mastronardi fails to teach each and every element of Applicant's claimed invention, as claimed in claim 8, as amended.

Claims 9-11 are dependent on claim 8, as amended, of Applicant's claimed invention. Thus, Mastronardi also fails to teach each and every element of Applicant's claimed invention, as claimed in claims 9-11.

In view of the foregoing, Applicant respectfully requests the Examiner to withdraw the rejections under 35 U.S.C. § 102 (e) to claims 8-11.

### Claims 12-16

Claim 12, as amended, of Applicant's claimed invention claims a system comprising: a play list creator capable of creating a play list of multimedia files; a multimedia content provider capable of providing multimedia files specified by the play list for a user to download; a portable multimedia content cache capable of receiving the multimedia files through a network while occasionally connected and storing the multimedia files; and a portable multimedia content player capable of accessing and rendering the multimedia contents to the user.

In contrast, Mastronardi does not teach a system comprising a portable multimedia cache capable of receiving multimedia files through a network while occasionally connected and a portable multimedia content player capable of accessing and rendering the multimedia contents to a user. Thus, Mastronardi fails to teach each and every element of Applicant's claimed invention, as claimed in claim 12, as amended.

Claims 13-16 are dependent on claim 12, as amended, of Applicant's claimed invention. Thus, Mastronardi also fails to teach each and every element of Applicant's claimed invention, as claimed in claims 13-16.

In view of the foregoing, Applicant respectfully requests the Examiner to withdraw the rejections under 35 U.S.C. § 102 (e) to claims 12-16.

### Claims 17-23

Claim 17, as amended, of Applicant's claimed invention claims an article comprising: a machine accessible medium having content stored thereon, wherein when the content is accessed by a processor, the content provides for caching multimedia content to a portable device by: creating a play list based on preferences of a user of the portable device; submitting the play list to a multimedia content provider through a network while the portable device is occasionally connected; downloading multimedia content in the play list to [[a]] the portable device when the portable device is connected to the multimedia content provider and caching the multimedia content on the portable device; and playing the cached multimedia content while the portable device is not connected to the multimedia content provider.

In contrast, Mastronardi does not teach an article comprising: a machine accessible medium having content provide for caching multimedia content to a portable device while it is occasionally connected to a network. Thus, Mastronardi fails to teach each and every element of Applicant's claimed invention, as claimed in claim 17, as amended.

Claims 18-23 are dependent on claim 17, as amended, of Applicant's claimed invention. Thus, Mastronardi also fails to teach each and every element of Applicant's claimed invention, as claimed in claims 18-23

In view of the foregoing, Applicant respectfully requests the Examiner to withdraw the rejections under 35 U.S.C. § 102 (e) to claims 17-23.

### Claims 24-27

Claim 24, as amended, of Applicant's claimed invention claims an article comprising: a machine accessible medium having content stored thereon, wherein when the content is accessed by a processor, the content provides for distributing multimedia files by: accepting a play list of multimedia files; searching a database for multimedia content according to the play list; processing the multimedia content before the multimedia content is downloaded; and transferring the multimedia content to an occasionally-connected portable device while connected.

In contrast, Katinsky et al. does not teach an article comprising: a machine accessible medium transfers multimedia content to an occasionally-connected portable device while connected to a database. Thus, Mastronardi fails to teach each and every element of Applicant's claimed invention, as claimed in claim 24, as amended.

Claims 25-27 are dependent on claim 24, as amended, of Applicant's claimed invention. Thus, Mastronardi also fails to teach each and every element of Applicant's claimed invention, as claimed in claims 25-27.

In view of the foregoing, Applicant respectfully requests the Examiner to withdraw the rejections under 35 U.S.C. § 102 (e) to claims 24-27.

### Conclusion

Applicant believes that all claims pending, including claims 1-27, are now in condition for allowance so such action is earnestly solicited at the earliest possible date.

Pursuant to 37 C.F.R. § 1.136 (a) (3), Applicant hereby requests and authorizes the U.S. Patent and Trademark Office to treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time.

Should there be any additional charge or fee, including extension of time fees and fees under 37 C.F.R. § 1.16 and § 1.17, please charge Deposit Account No. 50-0221.

If a telephone interview would in any way expedite the prosecution of this application, the Examiner is invited to contact the undersigned at (408) 653-7897.

Respectfully submitted,  
INTEL CORPORATION

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